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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,)	No. CR 10-00625 JF
)	
12 Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER CONTINUING HEARING DATE
13 vs.)	AND EXCLUDING TIME UNDER THE
)	SPEEDY TRIAL ACT
14 JUAN CARLOS CRUZ,)	
)	
15 Defendant.)	
)	

16
17 **STIPULATION**

18 Defendant Juan Carlos Cruz, by and through Assistant Federal Public Defender Varell L.
19 Fuller, and the United States, by and through Assistant United States Attorney Allison Danner,
20 hereby stipulate that, with the Court's approval, the status hearing currently set for Thursday,
21 November 18, 2010, at 9:00 a.m., shall be continued to Thursday, January 20, 2011, at 9:00 a.m.

22 The reason for the requested continuance is to permit defense counsel additional time to
23 review and have translated the audio recordings provided in discovery in this matter, and to
24 conduct an evidence view and further defense investigation.

25 The parties agree that the time between November 18, 2010, and January 20, 2011, is
26 excludable under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for effective

1 preparation by defense counsel.

2 Dated: November 17, 2010

3 _____
4 /s/
VARELL L. FULLER
Assistant Federal Public Defender

5 Dated November 17, 2010

6 _____
7 /s/
ALLISON DANNER
Assistant United States Attorney

8 **~~PROPOSED~~ ORDER**

9 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY
10 ORDERED that the hearing currently set for Thursday, November 18, 2010, shall be continued
11 to Thursday, January 20, 2011, at 9:00 a.m.

12 THE COURT FINDS that failing to exclude the time between November 18, 2010, and
13 January 20, 2011, would unreasonably deny defense counsel reasonable time necessary for
14 effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. §
15 3161(h)(7)(B)(iv).

16 THE COURT FURTHER FINDS that the ends of justice served by excluding the time
17 between November 18, 2010, and January 20, 2011, from computation under the Speedy Trial
18 Act outweigh the interests of the public and the defendant in a speedy trial.

19 THEREFORE, IT IS HEREBY ORDERED that the time between November 18, 2010,
20 and January 20, 2011, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C.
21 § 3161(h)(7)(A) and (B)(iv).

22 IT IS SO ORDERED.

23 Dated: 11/18/10

24 
25 _____
26 THE HONORABLE JEREMY FOGEL
United States District Judge